

MINUTE ENTRY PROCEEDINGS: JURY TRIAL - Day 3

Attorney James Bickerton was present with and on behalf of Plaintiff Bruce Lee Jorgensen. Attorney Douglas Cushnie was present on behalf of and with Defendant Benjamin B. Cassiday. III.

Outside the presence of the jurors Attorney Bickerton moved that one of the Defendant's witness not be permitted to testify due to the fact that certain documents that this witness was supposed to turn over to the Plaintiff were not. During the proceeding, the documents were supplied to Plaintiff's counsel. Further, Plaintiff moved to disallow the playing of the audio tapes during the trial be denied due to the fact that the Defense did not obey Court's order to supply Plaintiff with the excerpts that were intended to be played in Court.

Plaintiff's motion to exclude the testimony of Mr. Ruiz was denied. Plaintiff's motion to exclude the playing of the tapes in the Courtroom was granted.

Defense moved to have all tapes played during the trial. Court denied the motion. Defense moved to play only one tape. Court denied the motion. However, it was stipulated that the five audio tapes be admitted into evidence so that the jurors could have the opportunity to hear them.

At 9:35 a.m. the jurors were brought into the Courtroom.

Plaintiff having assurance that all exhibits that were intended to be admitted into evidence were admitted, rested their case.

Defense began their case and called their first witness:

A) CARLITOS L. RUIZ (Citizen of Philippines). DX. Defense moved to admit Pltf's Ex. 71 into evidence. Argument ensued.

Court excused the jurors from the Courtroom for a morning break at 10:45 a.m.

Outside the presence of the jurors, Plaintiff requested to Voir Dire witness Ruiz. Court granted the request.

Jurors returned to the Courtroom at 11:15 a.m. Court received Pltf's Ex. 71 over objection. Plaintiff began CX of witness. Ex. 102 was admitted w/o objection. Ex. 103 and Ex. 104 were referenced and marked.

Court excused the jurors for lunch break at 12:00 noon and reconvened at 1:50 p.m.

Continued CX of witness Ruiz by Mr. Bickerton. Ex. 105 Letter dated 10/3/96 was admitted in evidence without objection. Ex. 106 Letter dated 09/28/96 was admitted without objection. Ex. 107 was admitted w/o objection. Ex. 108 was admitted w/o objection. Ex. 109 was admitted w/o objection. Ex. 110 was admitted w/o objection. Ex. 111 was admitted over objection. RDX. RCX. RDX.

Court recessed for afternoon break at 3:35 p.m. and reconvened at 4:10 p.m.

Defense called witness:

B) BENJAMIN B. CASSIDAY, III (Defendant). DX.

Court excused the jurors for the evening at 4:35 p.m. and jurors were admonished not to talk with anyone regarding the case. Jurors were ordered to return to the Court at 9:00 a.m. to continue with the trial.

Attorney Cushnie moved again that the tapes be allowed to be played to the jurors tomorrow. After ensuing argument, Court ordered that the tapes would be played to the jurors during tomorrow's argument.

; [KLL EOD 06/28/2001]